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Letter dated 27 December 2001 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

The Counter-Terrorism Committee has received the attached report from Paraguay, submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex).

I should be grateful if you could arrange for this letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Jeremy **Greenstock**
Chairman
Counter-Terrorism Committee

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Annex

[Original: Spanish]

Letter dated 24 December 2001 from the Permanent Representative of Paraguay to the United Nations addressed to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

On instructions from my Government I have the honour to transmit to you herewith the report prepared by the Inter-Agency Commission created by the Government of the Republic of Paraguay in implementation of and as a follow-up to Security Council resolution 1373 (2001) concerning threats to international peace and security caused by terrorist acts, pursuant to paragraph 6 of the said resolution.

My Government is ready to furnish to the Committee such reports or information as may be necessary or as may be requested by the Committee.

(*Signed*) Eladio **Loizaga**
Ambassador
Permanent Representative

Enclosure

Report of the Republic of Paraguay

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A. Introduction

The Republic of Paraguay has consistently maintained a position of strong condemnation of terrorism, which it considers a scourge that affects all of humanity. Terrorist acts constitute unlawful use of force for which there are no boundaries, directed against undefined victims. Combating such acts requires coordinated action on the part of the international community.

Indeed, within the General Assembly of the United Nations Paraguay has always supported the efforts made in the past to provide the international community with a broad, universal anti-terrorist convention embracing all the manifestations of the phenomenon. Moreover, while no specific internal legislation exists on terrorism, the Paraguayan legal system includes norms that provide sanctions for such acts. Paraguay, which has also been affected by terrorism, has fought it and energetically rejected any effort to justify it, in the conviction that it represents a danger to the lives and property of innocent persons as well as a threat to peace and security in the world.

The regrettable acts of terrorist aggression perpetrated in the United States of America on 11 September of this year shocked public opinion throughout the world owing to their boldness and their magnitude. The impact of those condemnable deeds prompted the decision to accord priority, within the international agenda, to the fight against terrorism. That determination was consecrated by resolution 1373 (2001), adopted by the Security Council on 28 September 2001. The Republic of Paraguay, reaffirming its commitment to anti-terrorist action, therefore presents, in compliance with that resolution, a report on the measures adopted to date. Paraguay thus renews its firm commitment to cooperating in efforts to eradicate this type of criminal activity, as shown by the various measures adopted to date and indicated in the report.

B. Report

1

Paragraph 1 (a): [Decides that all States shall] prevent and suppress the financing of terrorist acts;

What measures if any have been taken to prevent and suppress the financing of terrorist acts in addition to those listed in your responses to questions on 1 (b) to (d)?

1. On 10 January 1997 the Republic of Paraguay promulgated Act 1015/97 "on preventing and penalizing unlawful acts to launder money or property" (annex 1), the purpose of which is to establish regulations governing obligations, actions and procedures to prevent and impede the use of the financial system and other sectors of economic activity for carrying out acts intended to legitimize money or property derived, directly or indirectly, from the criminal activities provided for in the law, which acts are characterized as money- or property-laundering crimes (article 1 (a)), and, what is most important, to define accurately a terrorist group as a structured or organized association of three or more persons, including its moral mentors, that uses violence, including the commission of crimes, for achieving its political or ideological ends. Articles 14 to 19 provide for the identification and recording of clients and their agents and of each operation, the period for which such records must be kept (five years), and the obligation to report suspicious operations to the competent authority.

2. The Central Bank of Paraguay established the regulations issued under Act 1015 by resolution 2, record 84, dated 2 March 1997, of the Board of Directors of the Central Bank (annex 2). The regulations establish procedures for preventing and impeding the use of the financial system and other sectors of economic activity in the carrying out of acts intended to legitimize money or property derived from criminal activities. The Superintendence of Banks, by its resolution 245/97 (annex 3), in turn provided regulations governing the application of the said Central Bank resolution, establishing the mechanism for reporting by entities to the Secretariat for the Prevention of Money- or Property-Laundering (SEPRELAD) by means of a form designed for the reporting of operations having a value greater than 10,000 United States dollars or the equivalent in guaranies.

3. Other legal texts supplement the rules in force governing these matters, such as:

- Resolution 3/97, record 59, of 25 March 1997, on the confirmation of foreign exchange buying and selling operations of the Central Bank of Paraguay;
- Resolution SB.SG 245/97, of 11 June 1997, establishing registrations for resolution 2, resolution 536/97, which introduces amendments to resolution 858/95 relating to reports of the external auditors of financial entities, on including in their annual auditors' statements, when so requested by the Superintendence of Banks, a special report on the auditing of compliance with Act 1015/97;
- Resolution SB.SG 153/98, of 13 May 1998, establishing that entities which effect remittances of currency abroad must previously inform the Superintendence of Banks and the Department of Economic and Financial Crimes, a unit of the National Police, for statistical purposes, of the type of currency, its amount and its geographic destination.

4. In the area of control of compliance with the regulations in force, the Superintendence of Banks, bearing in mind the recent terrorist attacks carried out on 11 September 2001, adopted measures in connection with the subparagraph under consideration, involving the following:

- Notes SB.SG 1416 to 1435, all dated 8 October 2001, and notes SB.SG 1482 to 1502, all dated 17 October 2001, requesting that entities report whether they have carried out operations, be it directly or indirectly, with persons identified as presumably suspicious in annexed lists provided by the embassy of the United States of America; also notes SB.SG 1539 to 1558, all dated 22 October 2001, having a similar content, adding three names to the lists mentioned in the two notes referred to above;

- Circular SB.SG 00262/2001, apprising financial entities of the content of Security Council resolution 1333 (2000), and more specifically, requesting Member States to freeze the funds and financial assets of Osama Bin Laden and individuals and entities associated with him, including those of the Al-Qa'ida organization;

- The creation of a unit to analyse the prevention of money- or property-laundering, which was decided by resolution 9, record 105, of the Board of Directors of the Central Bank of Paraguay, dated 5 October 2001. The principal function of the unit is to centralize, at the institutional level, everything connected with the processing of and requests for reports on the laundering of money or property derived from ... and [...]. [*sic*]

- Resolution 1, record 123, of 15 November 2001, approving a Code of Conduct for the Prevention and Identification of Money-Laundering and Other Financial Crimes and Offences and defining, among other things, the mechanism of control, responsibilities and unusual operations (and the requirement to report to the Unit any operation found to be unusual);

- In addition, the Central Bank of Paraguay is a member of the Subcommission on Money-laundering, under the Subgroup for Financial Affairs (Subgroup 4) of the Southern Common Market (MERCOSUR). In this context, documents have been signed between the member countries on guidelines on minimum regulations for preventing and repressing money-laundering within MERCOSUR and a Convention on Cooperation between the Central Banks of the States Parties to MERCOSUR.

5. Furthermore, the Constitution of Paraguay establishes, in its article 71, that: "The State shall repress the production of and illegal trafficking in narcotics and other dangerous drugs, as well as acts intended to legitimize money derived from such activities. It shall also combat the unlawful consumption of such drugs." Act 108/91 of 27 December 1991 (annex 4) created the National Anti-Drug Secretariat (SENAD), which is placed under the office of the President of the Republic and is charged with repressing illicit traffic in narcotics, dangerous drugs and the like, so that it is not directly involved, constitutionally and legally, in the prevention and repression of terrorist acts.

6. Notwithstanding, within the context of the day-to-day investigation of crimes related to drug traffic, SENAD does not fail to take note of the possible existence of "terrorist cells" and, if such cells are identified, will take the necessary and appropriate measures and immediately inform the relevant institutions, whether the

National Intelligence Service (SNI), the Ministry of the Interior, the Office of the Public Prosecutor, etc.

7. In keeping with the Government's national security policy, which is based on concerns relating to the proliferation of acts of terrorism in the world, agencies for the prevention and investigation of facts and events related to terrorist activities were organized in Paraguay, within the framework of the National Police, *long before the events of 11 September 2001*. Those agencies are as follows:

a. The Department of Economic and Financial Crimes, created pursuant to National Police Command resolution 5 of 7 February 1997 (annex 5) and placed under the Directorate of Technical Support.

Since its creation, this Department has coordinated with SEPRELAD all matters relating to the application of Act 1015/97, which provides for the prevention and repression of unlawful acts for legitimizing money or property. Since that time it has held coordination meetings with representatives of the permanent secretariat of SEPRELAD, which comprises the Ministry of the Industry and Commerce, the Central Bank of Paraguay, the Superintendence of Banks, the National Securities Commission, the National Anti-Drug Secretariat and the National Police.

Within the framework of this coordination, the Department of Economic and Financial Crimes has branch offices set up in the Central Bank of Paraguay and the National Development Bank and at Ciudad del Este, Encarnacion, Salto del Guairá and Pedro Juan Caballero. Both the central office and the branches offer the institutions charged with implementing Act 1015, as well as others connected with their functions, the law-enforcement assistance accorded to them by the national Constitution and by law.

b. The Department of Prevention and Investigation of Terrorism, created by National Police Command resolution 1 of 9 January 1998 (annex 6) and also placed under the Directorate of Technical Support. This Department was subsequently renamed "Secretariat for the Prevention and Investigation of Terrorism" and is still subordinate to the National Police.

Within the framework of its regulated functions, this office collects the information necessary for performing its mandate and coordinates the requisite investigative procedures with the various subdivisions of the police and other State institutions (Office of the Public Prosecutor, Ministry of Industry and Trade, SEPRELAD, etc.).

8. Another measure adopted within the country for the prevention and repression of acts of terrorism was the signing of the Foz do Iguaçu instrument, which took place at the meeting of Ministers of the Interior of Argentina, Brazil and Paraguay held at Foz do Iguaçu on 10 April 1996.

9. Item (b) of the instrument states: "To recommend meetings among officials of the central banks of the three countries and in the area of taxes and customs to discuss improving controls relating to unlawful acts committed in the region, including money-laundering".

10. Item (c) states: "To provide coordination mechanisms for security organizations so as to facilitate the exchange of information for combating organized crime in the region".

II

Paragraph 1 (b): [Decides that all States shall] criminalize the wilful provision or collection, by any means, directly or indirectly, of funds by their nationals or in their territories with the intention that the funds should be used, or in the knowledge that they are to be used, in order to carry out terrorist acts;

What are the offences and penalties in your country with respect to the activities listed in the subparagraph?

11. In the Republic of Paraguay, terrorism is not a separate crime, but the Penal Code and legislation cover conduct directly related to terrorism.

12. Conduct or activities covered in the Penal Code (Act 1160/97 (annex 7) have eliminated the legal lacunae in that area. The following articles should be mentioned:

Article 196 of the Penal Code: Money-laundering

"1° Anyone who:

1. Conceals an object derived from:

(a) A crime;

(b) A punishable offence carried out by a member of a criminal association as mentioned in article 239 of the Penal Code;

(c) A punishable offence covered by Act 1340/88 (annex 8), articles 37 to 45; or

2. In respect of that object attempts to conceal its origin, impedes or endangers the knowledge of its origin or location, discovery, seizure, confiscation or attachment, shall be punished by up to five years' imprisonment or a fine.

2° The same penalty shall be applied to anyone who:

1. Having obtained an object as described in the previous paragraph, supplies it to a third party; or

2. Holds it or uses it for himself or for another, having been aware of its origin at the time it was obtained.

3° In such cases, attempts are also punishable.

4° When the perpetrator acts as a dealer or as a member of a group formed for the purpose of the ongoing practice of money-laundering, the term of imprisonment may be increased to 10 years. The provisions of articles 57 and 94 shall also be applied.

5° Anyone who, in the cases referred to in paragraphs 1° and 2°, through grave negligence is unaware of the origin of the object of an illegal activity as described in subparagraph 1 of paragraph 1°, shall be punished by up to two years' imprisonment or a fine.

6° An act shall not be punishable under paragraph 2° if the object has been obtained previously in good faith by a third party.

7° In addition to the objects referred to in paragraphs 1°, 2° and 5°, those derived from a punishable offence committed outside the scope of application of this law shall be considered equivalent, when the act is criminally sanctioned in the location where it was committed.

8° No one shall be punished for money-laundering who:

1. Voluntarily provides information on the offence to the competent authorities or causes information to be provided to them, as long as that information has not been fully or partially disclosed, to the knowledge of the perpetrator; and

2. In the cases referred to in paragraphs 1° and 2° above, he or she facilitates the confiscation of the objects relating to the punishable offence.

9° When the perpetrator, through voluntarily revealing his knowledge, has made a significant contribution to the investigation:

1. Of the circumstances of the act which go beyond his own contribution to it;

2. Of an act referred to in paragraph 1°, committed illegally by another;

the court may reduce or waive the penalty in accordance with article 67."

Article 238. Justification of the offence

"Anyone who, in a public meeting or through the publications referred to in article 14, paragraph 3°, justifies in a way likely to disturb the peace:

1. A crime attempted or committed; or

2. A convicted criminal for having committed it;

shall be punished by up to three years' imprisonment or a fine."

Article 239. Criminal association

"1° Anyone who:

1. Creates an association which has a hierarchical structure or is organized in any way, with the intention of committing punishable offences;

2. Is a member of such an organization or participates in it; supports it economically or provides it with logistical support; provides services to it; or

3. Promotes it;

shall be punished by up to five years' imprisonment.

2° In such cases, attempts are also punishable.

3° When the participant's offence is minor or his contribution was secondary, the court may waive the penalty.

4° The court may also impose a lighter sentence in accordance with article 67, or waive it, when the perpetrator:

1. Attempts, voluntarily and diligently, to prevent the continuation of the association or the commission of a punishable offence in accordance with its objectives; or

2. Informs the competent authorities of his knowledge of punishable offences, or of plans to commit such offences, in time to prevent them from being carried out."

Article 263: Production of counterfeit currency

"1° Anyone who:

1. With the intention of putting into circulation or of facilitating its circulation, produces counterfeit currency or alters currency to appear to have a higher value;

2. Acquires it with such intention; or

3. Puts into circulation, as being authentic, counterfeit currency that he or she has produced, acquired or altered under the conditions listed in the previous subparagraphs;

shall be punished by up to 10 years' imprisonment. The provisions of articles 57 and 94 shall also apply.

2° In less serious cases, a penalty of up to five years' imprisonment or a fine shall be imposed.

3° Counterfeit currency means currency not originating from the authority empowered to issue it."

Article 264: Circulation of counterfeit currency

"1° Anyone who, in addition to the cases mentioned in article 263, puts counterfeit currency into circulation as authentic, shall be punished by up to three years' imprisonment or a fine.

2° In such cases, attempts are also punishable."

Article 265: Production and circulation of counterfeit official stamps

"1° Anyone who:

1. Produces counterfeit official stamps with the intention of circulating them, facilitating their circulation or using them as genuine, or who alters official stamps so that they appear to indicate a higher value;

2. Acquires them with that intention; or

3. Uses, offers or circulates, as being genuine, counterfeit official stamps,

shall be punished by up to five years' imprisonment or a fine.

2° Anyone who uses, as being genuine, official stamps which have already been used and on which the cancellation mark has been removed or who circulates them as being genuine shall be punished with up to a year's imprisonment or a fine.

3° In such cases, attempts are also punishable."

Article 266: Preparation for the production of counterfeit currency and stamps

"1° Anyone who, in attempting to produce counterfeit currency or counterfeit stamps, produces, obtains, stockpiles, stores or supplies to another

1. Sheets, moulds, printing press parts, plates, negatives, matrices or other items that, by their nature, could be used in the commission of the offence; or

2. Paper of the same quality as, or which could be mistaken for, that used in the manufacture of currency or stamps and which is protected by special security devices against imitation;

shall be punished, in the case of an offence referred to in article 246, by up to five years' imprisonment or a fine, and in the case of the attempt to commit an offence referred to in article 248, up to two years' imprisonment or a fine.

2° No one shall be punished in accordance with the previous paragraph who:

1. Renounces the commission of the attempted offence and averts the risk that others will continue to attempt or commit it.

2. Destroys or renders useless the items referred to in paragraph 1° above; or

3. Informs the authorities of their existence and location or turns them over to the said authorities.

3° When the danger was averted or the commission of the offence was prevented for other reasons, it shall be sufficient that, in respect of the provisions of subparagraph 1 of the preceding paragraph, the perpetrator has voluntarily and seriously attempted to achieve that result."

13. Act 1015 characterizes and punishes the crime of money- or property-laundering (art. 1 (b)), defining as "property" assets of any type, whether physical or not, moveable or fixed, tangible or intangible, and the documents or legal instruments ascribing ownership or other rights over these assets (art. 2 (b)).

The offence of money-laundering

"Anyone who, by criminal intent or negligence, commits any of the following acts is considered to have committed the offence of money- or property-laundering:

- Concealing the object of a crime or offence perpetrated by a criminal or terrorist group, or an offence covered under Act 1340/88 on the suppression of narcotics and dangerous drugs and its amendments (art. 3° (a)); or
- In respect of that object, concealing its origin, impeding or endangering the knowledge of its origin or location, or its discovery, seizure confiscation, or provisional attachment (art. 3° (b));
- Obtaining, acquiring, converting, transferring, protecting or using for himself or a third party the object referred to in the first paragraph. The evaluation of knowledge or negligence shall be based on the circumstances and factual elements verified in the specific case (art. 3° (c))."

Criminal penalties

"The offence of laundering money or property shall be punished by a prison sentence of two to ten years.

The judge may decide to waive the penalty against an accomplice or participant if he or she cooperates willingly and effectively with the authorities

in the disclosure of the offences characterized in this Act by identifying the main perpetrators or by giving the location of the property, rights or assets which were the object of the crime (art. 4°)."

III

Paragraph 1 (c): [Decides that all States shall] freeze without delay funds and other financial assets or economic resources of persons who commit, or attempt to commit, terrorist acts or participate in or facilitate the commission of terrorist acts; of entities owned or controlled directly or indirectly by such persons; and of persons and entities acting on behalf of, or at the direction of such persons and entities, including funds derived or generated from property owned or controlled directly or indirectly by such persons and associated persons and entities;

What legislation and procedures exist for freezing accounts and assets at banks and financial institutions? It would be helpful if States supplied examples of any relevant action taken.

14. As far as procedures are concerned, investigations and analysis of money-laundering originate with a complaint to the Public Prosecutor's Office, and, if warranted, a request is made to block accounts and assets in banks and financial institutions, but it is that entity which determines whether it is appropriate for the judge presiding over the case to freeze the assets.

15. On his authority, the judge may order, at the request of a party at the beginning or at any stage of the proceedings, preventive attachment of property or any other precautionary measure intended to preserve assets, objects or instruments relating to the offence characterized in article 3 of the present law (art. 36).

16. It should be noted that the Executive Branch has no legal authority to order or request the freezing of accounts and assets in banks and financial institutions. In accordance with Paraguayan legislation, the judicial authorities have exclusive jurisdiction over such measures. However, it is the duty of the Police to inform the Public Prosecutor's Office and the judge within the legal limit of six hours of any punishable offence of which they have knowledge or information.

17. The Superintendence of Banks, in its capacity as monitoring body for the country's financial system, issued circular SB.SG. 00262/2001, dated 29 October 2001, calling for compliance with Security Council resolution 1333 (2000).

IV

Paragraph 1 (d): [Decides that all States shall] prohibit their nationals or any persons and entities within their territories from making any funds, financial assets or economic resources or financial or other related services available, directly or indirectly, for the benefit of persons who commit or attempt to commit or facilitate or participate in the commission of terrorist acts, of entities owned or controlled, directly or indirectly, by such persons and of persons and entities acting on behalf of at the direction of such persons;

What measures exist to prohibit the activities listed in this subparagraph?

18. Money-laundering (article 196 of the Penal Code) and criminal association (article 239 of the Penal Code), which were referred to above, are characterized as crimes in the Penal Code of the Paraguayan legal order.

19. Under Act 1015/97, banks and financial entities are required to observe clear procedures for any operation involving more than US$10,000 or the equivalent in other currencies, with respect to the identity of the client and the origin and destination of the money.

20. Transactions that may possibly be used to finance terrorist acts are identified in resolution 245/97 of the Superintendence of Banks (SIB) which is governed by resolution 2, Act 84, of 2 March 1997, that establishes the mechanism for communication by entities with the Secretariat for the Prevention of Money- or Property-Laundering (SEPRELAD), based on a formula for reporting transactions valued at US$10,000 or its equivalent in guaranies and containing the following details in the form of a sworn declaration:

- Identity of the individual transacting the operation;
- Persons and/or entities on whose instructions the operation is transacted;
- Types of transactions and amounts (purchase/sale);
- Date of transaction.

In the case of transactions involving the transfer of funds, an order of transfer containing the following information is also required:

- Cheque or cash transfer;
- First name and surname of the person appearing;
- Nationality;
- Address and telephone number;
- Information about the person requesting the transfer (first name and surname, trade name, identity card, taxpayer registration (RUC) etc.);
- Beneficiary;
- Address/country of the beneficiary;
- Drawee bank/address/account number;
- Covering bank/account number;
- Code of beneficiary bank;
- Amount in United States dollars/date/value

21. In addition, the Warehouses, Exchange Houses and Other Entities Division conducts on-site inspections to ensure compliance with Act 1015 and correct use of the forms.

V

Paragraph 2 (a): [Decides also that all States shall] refrain from providing any form of support, active or passive, to entities or persons involved in terrorist

acts, including by suppressing recruitment of members of terrorist groups and eliminating the supply of weapons to terrorists;

What legislation or other measures are in place to give effect to this subparagraph? In particular, what offences in your country prohibit: (i) recruitment to terrorist groups; and (ii) the supply of weapons to terrorists? What other measures help prevent such activities?

22. The Paraguayan Penal Code provides as follows:

Art. 237: Incitement to commit punishable acts

1°. Anyone who publicly, in a meeting or through the dissemination of the publications listed in article 14, paragraph 3, incites others to commit a punishable act shall be punished as an instigator.

2°. Where such incitement does not result in the commission of the act, the author shall be punished by a prison sentence of up to five years or by a fine. The sentence may not be more severe than that which would have been handed down when the incitement referred to in the previous paragraph results in the commission of the act.

Justifying a crime and criminal association, as referred to above.

Observation: Contraband and customs fraud are defined as crimes under the law, but the crimes are generic in scope and come under the jurisdiction of the ordinary criminal justice system.

In response to this question, we may also add the following:

- Act 71/53 contraband offences (annex 9);
- Decree 23479/76 (annex 10);
- Ministry of Defence resolution, section V, articles 5 and 9;
- Protocol on mutual assistance in criminal matters;
- Act 1204 of 23 December 1997, ratification deposited on 20 January 1998 (Source: Administrative Secretariat of MERCOSUR).

23. Mention should also be made of the following multilateral agreements:

- Convention on the Marking of Plastic Explosives for the Purpose of Detection (1991).
- Convention on the Physical Protection of Nuclear Material, approved by Act 1086/84. **Note**: This Convention is directly related to the smuggling of arms, since it recognizes in its preamble the importance of the physical protection of nuclear material used for military purposes and contains provisions governing, inter alia, the international transport, removal, use or unauthorized alteration of nuclear materials, theft, robbery or any other unlawful transfer of nuclear materials.
- Convention on Offences and Certain Other Acts Committed on Board Aircraft. Approved by Act 252/71. **Note**: Since this Convention applies to criminal law (art. 1), it may become directly relevant to the smuggling of arms on board any aircraft while in flight. (Article 6 and related articles provide that the aircraft commander may, when he has reasonable grounds to believe that a person has

committed, or is about to commit, on board the aircraft, an offence or crime, impose upon such person reasonable measures including restraint measures which are necessary.)

– Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials. Approved by Act 1505/99.

24. As regards the recruitment of persons to join terrorist groups, the military is intensifying its intelligence efforts, in coordination with other State institutions, to prevent the supply of arms to terrorists. The Department of Military Supplies, pursuant to Decree 23459/76 (annex 11) and to Ministry of Defence resolution MDN 397/77, is responsible for the control and registration of weapons. As for the legislation that gives effect to the provisions of this paragraph, the following may be cited:

25. Creation of an inter-institutional working group on firearms, ammunition and explosives, pursuant to Decree 13793 of 18 May 2001 (annex 12) and at the request of the Department of Military Supplies (DIMABEL) of the armed forces, to study and examine the problem of firearms, ammunition and explosives in the country.

26. The working group is comprised of the following institutions:

– DIMABEL

– The Ministry of Foreign Affairs (Department of International Organizations)

– The National Anti-Drug Secretariat (SENAD)

– The National Intelligence Service (SNI)

– The National Police

27. Other measures to suppress these activities were adopted by the armed forces/DIMABEL, including participation in meetings, conferences and seminars both at the local level and those sponsored by the Organization of American States (OAS) and the United Nations, such as the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, which was held in New York from 9 to 20 July 2001.

VI

Paragraph 2 (b): [Decides also that all States shall] take the necessary steps to prevent the commission of terrorist acts, including by provision of early warning to other States by exchange of information.

What other steps are being taken to prevent the commission of terrorist acts, and in particular, what early warning mechanisms exist to allow exchange of information with other States?

28. In Paraguay, the National Civil Aviation Security Programme established by Decree 15147/2001 of October 2001 (annex 13) contains measures and procedures to prevent the commission of acts of unlawful interference, with a view to:

(a) Ensuring the safety, timeliness and efficiency of national and international civil aviation;

(b) Maintaining the security of national and foreign carriers providing services in civilian airports in the Republic of Paraguay that are open to national or international air services;

(c) Protecting passengers, crew, ground staff and the public in general in international and national airports from acts of unlawful interference and other punishable acts; and

(d) Implementing, pursuant to the domestic laws in force, the international norms and methods recommended in annex 17 to the Convention on International Civil Aviation, as well as the provisions governing aviation security contained in annexes 2, 6, 8, 10, 11, 13 and 14 of that Convention.

29. The National Civil Aeronautics Office (DINAC) created the Division of Civil Aviation Security to undertake the technical and operational management of aviation security, in coordination with government agencies, organs of internal security, airline companies, etc. at the international airports of the Republic.

30. The National Civil Aviation Security Programme and the emergency and contingency plans at international airports provide for appropriate measures and action to be taken to prevent and counter threats against specific aviation targets (airplanes, airline companies, airport installations, etc.).

31. The Division of Civil Aviation Security, the National Police, the Air Force, SENAD, SNI, the Ministry of the Interior and the Ministry of Foreign Affairs, and members of the National Civil Aviation Security Commission (CONASAC) have been assigned (in the above-mentioned documents) specific tasks for every type of security situation — normal or crisis — that might arise in the country.

32. In addition to measures and procedures for prevention and deterrence, for example, the National Police and the Air Force, in coordination with the aviation security authorities, are responsible for responding to and controlling acts of unlawful interference, sabotage, bomb threats and attacks on the ground.

33. Measures and procedures have been implemented in international airports to prevent the commission of acts of unlawful interference and other punishable acts against airplanes, persons (passengers, visitors, other users), services and airport installations, namely:

(i) The designation of restricted areas: for the protection of areas where operations vital to the safe, efficient and uninterrupted operation of national and international civil aviation are carried out;

(ii) The Air Force, with personnel trained in airport security, controls and monitors on a continuous basis areas where airplanes are moved, runways, perimeter fences, and communication and air navigation (both internal and external) installations;

(iii) The monitoring, control and security of areas of airports to which the general public has access are the responsibility of the National Police;

(iv) The monitoring, control and security of restricted areas inside the passenger terminal buildings are the responsibility of the aviation security headquarters at the airport using agents, metal detectors, x-ray machines and closed circuit television, which is also used to monitor other sensitive areas;

(v) Access to these designated restricted security zones is controlled and protected by a combination of measures of physical and human protection: fences, heavy gates, guards (patrolling, stationary), patrols, passes and remote monitoring;

(vi) Access to boarding areas is limited to passengers with genuine and valid travel documents, together with the necessary visas and a genuine boarding pass issued by the air carrier. The name of the registered passenger must be indicated on the boarding pass;

(vii) Access to other restricted areas is limited to the staff of DINAC, State agencies and airlines who have a valid identification card for access to an assigned work area;

(viii) Before a permit is issued to enter restricted areas, all requests to enter restricted areas must be submitted in writing by the employer on behalf of the staff member to the competent aviation security authorities; requests must be verified by the competent personnel to ensure that there are sufficient grounds to issue the permit; and requests must be checked against police and judicial records so that authorization is not granted to the wrong persons;

(ix) Persons found without a permit are detained, removed from the restricted area and handed over to the competent authorities;

(x) Only those vehicles that carry identification and are authorized by the pass system to be in access areas may transit through operational areas.

34. When an aircraft is not in service and remains unguarded, all exterior doors must be closed and boarding equipment removed (ladders, walkways, etc.). Additional measures include the assignment of personnel to control access to the aircraft.

35. In addition, airlines must ensure that when an aircraft is put into service pre-flight checks are made to ensure that there are no suspicious objects, hidden weapons, explosives or other dangerous items on board.

36. Airlines are required to ensure that passengers on flights deemed to be under greater threat who are disembarking down the stairs of the aircraft do not leave objects on board.

37. Where there is reasonable suspicion that an aircraft may be the target of an act of unlawful interference, the airline shall be notified and the aircraft inspected.

38. When there is reason to believe that an aircraft may be attacked on the ground, appropriate steps shall be taken to protect the aircraft in accordance with the aviation security contingency plan for international airports.

39. In order to prevent the introduction into an aircraft of weapons (firearms, edged or pointed weapons, etc.), explosives or any other item that may reasonably cause concern and may be used to commit an act of unlawful interference, all passengers and their hand luggage shall undergo a security check in the Silvio Pettirossi and Guaraní international airports before they are allowed to enter the restricted zone and board the aircraft.

40. Such checks shall be carried out with metal detectors, x-rays and, depending on the degree of the threat, biosensors.

41. All passengers and their hand luggage shall be manually checked when inspection teams are not available.

42. In response to increased threats to civil aviation, inspection personnel shall conduct a certain percentage of manual security checks of passengers and their hand luggage, thereby introducing another deterrent.

43. Any individual who refuses to submit to a security check of his or her person, checked baggage or hand luggage shall not be allowed to travel.

44. Passengers who have been checked shall be kept in a restricted area separate from passengers who have not undergone a security check.

45. In the event that passengers who have been checked mingle with passengers who have not been checked, the restricted zone shall be cleared and all passengers shall be registered; passengers and their hand luggage cleared from the area shall undergo a second security check prior to being allowed to board the aircraft.

46. Airline crewmembers, airport staff and other non-passengers passing through the restricted area by means of the security checkpoint shall be checked in the same way as passengers. Any objects carried by such persons shall be inspected in the same manner as passengers' hand luggage.

47. While certain individuals may, on the basis of protocol or reciprocal agreements, be granted diplomatic immunity as provided for in the Vienna Convention, such individuals and their baggage shall undergo routine inspection prior to boarding.

48. Diplomatic bags that are not closed, sealed or properly identified shall undergo security checks and inspection; the same shall apply when the person accompanying a diplomatic bag fails to present appropriate identification and authorization documents (diplomatic or official passport, authorization permit) authorizing him or her to accompany the bag.

49. Physically disabled passengers shall undergo normal security checks, which shall be conducted in private with the use of hand-held metal detectors.

50. Airline operators may transport weapons provided they are carried outside the passenger cabin, subject to the following conditions: the operator or his representative shall confirm that the weapon is contained in a passenger's checked baggage and is not loaded, or the weapon shall be kept in any other inaccessible place while the aircraft is in flight.

51. Airline operators shall include in their respective security programmes and shall apply appropriate security measures and procedures to ensure safety on board their aircraft when transporting passengers who are required to travel because they are the subject of judicial or administrative proceedings.

52. During security checks, passengers must positively identify all pieces of their luggage and the number of individual pieces, unless their name appears clearly in writing on the outside of each piece.

53. Airline operators may accept checked baggage only from passengers in possession of a valid ticket issued by an authorized agent or an agent accredited to an authorized representative of the operator.

54. Once accepted, a passenger's baggage shall be protected from unauthorized access until it is delivered to the passenger at his or her destination or is transferred to another operator.

55. A passenger's checked baggage shall not be carried on an aircraft unless the passenger is on board.

56. Checked baggage belonging to a passenger who is denied permission to board for security reasons or owing to his or her refusal to undergo a security check shall be offloaded from the aircraft.

57. X-ray inspection of checked baggage is another means of ensuring safety. Checked baggage must be inspected systematically on any flights deemed vulnerable to a specific threat.

58. Checked baggage shall not be accepted for transfer to another airline or operator unless the passenger has presented himself or herself for the onward journey and personally identified all items of checked baggage.

59. All freight, courier parcels, registered letters and other mail to be carried on international passenger flights shall be subject to security measures imposed by the airline operators and the airport aviation security authorities that are commensurate with the level of the threat.

60. Airline operators, shipping companies and agents, the postal administration and courier companies shall be responsible for the security of all shipments, and to that end shall establish a programme of procedures for their operations which shall be approved by the civil aviation security authorities.

61. In view of the special procedures applicable to the mails, the security measures applied must be capable of countering a threat and relate specifically to the delivery of mail by air, such as the use of more than one airline to minimize the likelihood of terrorists selecting a particular airline.

62. If it is not possible to verify the shipper's identity, or if the shipment is being made by a third party, or if the shipper's attitude appears suspicious, the contents of the shipping container shall be accurately determined by means of a manual inspection or x-rays.

63. Inspection and monitoring of unaccompanied baggage, cargo, mail and supplies shall be carried out taking into account the degree of seriousness of the threat. X-ray equipment, police biosensors and manual inspections shall be used.

64. Airline operators may refuse to carry any type of hold baggage that does not meet the security requirements established in their security programme or in the security programme of the operating airport.

65. When a piece of luggage or mail is deemed suspicious, by virtue of either its characteristics or its origin and/or manner of delivery, the following steps shall be taken: the item shall be inspected by x-rays to determine whether it contains any organic materials or clockwork that might indicate the existence of explosives; unidentified and unaccompanied baggage, including mail where the situation so warrants, shall be held in a separate secure area for 24 to 48 hours as a precaution against the presence of explosives with timing devices; canine units trained in the detection of explosives and narcotic drugs or electronic devices for the detection of explosives with detonators and narcotic drugs shall be used.

66. In keeping with their respective security programmes and the National Aviation Security Programme, airline operators must implement procedures and security controls to prevent the introduction of weapons, explosives and other dangerous items in the provisions and supplies to be carried on international passenger flights.

67. Airline catering companies, whether located in the airport or outside it, shall be required to implement appropriate procedures and security controls to prevent unauthorized access to their facilities and to prevent the introduction of weapons, explosives and other dangerous items in the provisions and supplies to be carried on international passenger flights. They shall likewise prevent any unauthorized access to their transport vehicles while such vehicles are travelling from their facilities to the airport.

68. When a threat involving explosives or suspicious devices occurs, law enforcement personnel trained in the deactivation or dismantling of explosives shall be summoned.

69. Remote video cameras shall provide monitoring in addition to that provided by surveillance and monitoring equipment installed in the terminal building and points of entry in international airports. The operation of such equipment shall be the responsibility of qualified aviation security personnel.

70. In order to ensure the quality and efficiency of the aviation security service in international airports, each public and private body having responsibility in this area under the National Aviation Security Programme shall designate or appoint staff trained in this field.

71. When in the course of gathering and/or evaluating information about threats aimed at civil aviation the civil aviation safety authorities learn of a credible threat aimed at the civil aviation interests of another State, the aviation security authorities of the other State shall be notified as soon as possible.

72. The National Civil Aviation Security Commission (CONASAC) shall consider any possible responses, measures and procedures to be taken in the event of the unlawful overpowering of a civil aircraft in flight with a view to using it as a weapon of destruction.

73. High-tech detection, communication and signalling equipment shall be acquired and installed, and tactical equipment for armed intervention by the aviation security authorities shall be deployed.

74. The following are anti-terrorist measures that have been adopted and existing early-warning measures that facilitate the exchange of information with other States:

1. Act 1057, signed at Asuncion, approves the Agreement on facilitating the control of illicit trafficking in weapons between the Republic of Paraguay and the Federative Republic of Brazil;

2. Decree 119 of 19 January 2001 (annex 15) establishes control mechanisms in respect of Paraguayan nationals or Brazilians, foreign residents in Brazil or Brazilian legal persons who obtain weapons and ammunition in the Republic of Paraguay, pursuant to an agreement reached at the Paraguay-Brazil technical meeting on weapons control;

3. Within the armed forces, a workshop for the coordination of military intelligence was held in which representatives of all military intelligence agencies took part; security guidelines were issued for all types of terrorism and a general statement was issued on the effects of the events of 11 September 2001;

4. The National Police in Ciudad del Este was reinforced with military troops;

5. Paraguay has participated in the Sur-Net network for the exchange of strategic intelligence information.

Mention should also be made of the following international instruments:

The Lima Declaration to Prevent, Combat and Eliminate Terrorism, signed by the States members of the Organization of American States meeting at Lima, Peru, from 23 to 26 April 1996 at the Inter-American Specialized Conference on Terrorism;

Agreement 03/97, signed at the second meeting of Ministers of the Interior of the Southern Common Market (MERCOSUR), Bolivia and Chile, held at Punta del Este, Uruguay, on 21 November 1997.

75. Apart from the measures taken within the National Police, ongoing coordination is maintained with the security agencies of the States members of MERCOSUR, Bolivia and Chile.

76. Pursuant to the Declaration of Ministers of the Interior of MERCOSUR signed on 28 September 2001 at the meeting of Ministers of the Interior of MERCOSUR, Bolivia and Chile, the first meeting of the Specialized Working Group on Terrorism, a subsidiary body of the Permanent Working Group, was held on 17 October 2001 in Montevideo.

77. The first paragraph of the agreement establishes the Specialized Working Group on Terrorism, whose purpose is to identify actions at the regional level to prevent, combat and eliminate terrorism.

78. At the international level, Paraguay is a member of the International Criminal Police Organization (Interpol), where it participates in an ongoing exchange of information relating to terrorist activities.

79. The Secretariat for the Prevention and Investigation of Terrorism (SEPRINTE) also maintains permanent contact with other countries outside MERCOSUR, particularly with the Embassies of the United States of America, Israel and others. It should be noted that prior to the establishment of the Permanent Working Group, Paraguay was in regular contact with the police security forces of MERCOSUR, Bolivia and Chile.

80. Recently Paraguay issued Decree 15125 of 24 October 2001 (annex 16), by which it established the Inter-Agency Commission responsible for monitoring the implementation of Security Council resolution 1373 (2001).

81. The Customs Department has also instituted checks at strategic points of entry and departure for commercial goods in order to combat customs fraud and tax evasion under the agreement on multilateral assistance between heads of customs agencies in Latin America, Spain and Portugal concluded by the Inter-Agency Commission to Combat Smuggling and Tax Evasion (CICOCEI) and the Customs Task Force (GOA), and has added staff to the intellectual property rights inspection team.

VII

Paragraph 2 (c): [Decides also that all States shall] deny safe haven to those who finance, plan, support, or commit terrorist acts, or provide safe havens;

What legislation or procedures exist for denying safe haven to terrorists, such as laws for excluding or expelling the types of individuals referred to in this subparagraph? It would be helpful if States supplied examples of any relevant action taken.

82. Migration Act 978/96 (annex 17), article 25, paragraph 9, provides for the granting of a temporary residence permit to aliens with refugee status. To receive the permit the applicant must present at the minimum his or her personal identification document, judicial record certificate from the country of origin and a medical certificate.

83. The National Migration Office has expelled aliens whose status in the country was irregular.

84. Since the events of 11 September 2001, the Secretariat for the Prevention and Investigation of Terrorism has ordered a number of Lebanese nationals to be detained, including Hussein Ahmad El Haj, who was expelled from the country on 11 October 2001 under articles 80 and 81, paragraph 1, of Migration Act 978 at the request of criminal prosecution officer Carlos Calcena of the Specialized Anti-Terrorism Unit, official communication 1540.

85. With regard to procedures, the law governing the procedure for ensuring that those who apply for refugee status have not taken part in terrorist activities before granting them refugee status is the Convention relating to the Status of Refugees, adopted at Geneva on 28 July 1951, which the Republic of Paraguay ratified by Act 136 of 11 October 1969.

86. Article 1, section F, of the Convention stipulates that "the provisions of this Convention shall not apply to any person with respect to whom there are serious reasons for considering that:

(a) He has committed a crime against peace, a war crime, or a crime against humanity, as defined in the international instruments drawn up to make provision in respect of such crimes;

(b) He has committed a serious non-political crime outside the country of refuge prior to his admission to that country as a refugee;

(c) He has been guilty of acts contrary to the purposes and principles of the United Nations."

VIII

Paragraph 2 (d): [Decides also that all States shall] prevent those who finance, plan, facilitate or commit terrorist acts from using their respective territories for those purposes against other States or their citizens;

What legislation or procedures exist to prevent terrorists acting from your territory against other States or citizens? It would be helpful if States supplied examples of any relevant action taken.

87. To prevent terrorists based in its territory from acting against other States or their citizens, Paraguay has signed a number of international conventions, agreements and treaties dealing with the extradition of persons and the expulsion of aliens whose situation is irregular.

88. Pursuant to Security Council resolution 1373 (2001) and other resolutions to similar effect, Paraguay is required to prevent the formation of terrorist groups and, by punishing any attempts and informing the countries concerned, to prevent their taking action or making preparations within its territory to attack another State.

89. The regional security plan considered at the meeting of Interior Ministers of MERCOSUR, Bolivia and Chile provides for measures to prevent the commission of punishable offences by transnational criminal organizations, entailing exchange of intelligence and joint operations by security agencies and/or police forces.

90. Also significant was the adoption of the declaration by States participating in the consultation on cooperation in preventing and suppressing international terrorism in Buenos Aires, Argentina, on 1 and 2 August 1995.

IX

Paragraph 2 (e): [Decides also that all States shall] ensure that any person who participates in the financing, planning, preparation or perpetration of terrorist acts or in supporting terrorist acts is brought to justice and ensure that, in addition to any other measures against them, such terrorist acts are established as serious criminal offences in domestic laws and regulations and that the punishment duly reflects the seriousness of such terrorist acts;

What steps have been taken to establish terrorist acts as serious criminal offences and to ensure that the punishment reflects the seriousness of such terrorist acts? Please supply examples of any convictions obtained and the sentence given.

91. The Aviation Code in force in Paraguay by virtue of Act 469/57 (annex 18), in chapter II on (aviation) crimes, does not define a punishable offence specifically related to the commission of acts of terrorism against civil aviation. However, chapter IV, article 11, paragraph 1, of the Convention on Offences and Certain Other Acts Committed on Board Aircraft, ratified by Act 252/71, defines what is meant by unlawful seizure of aircraft. Article 1 of the Convention for the Suppression of the Unlawful Seizure of Aircraft, ratified by Act 290/71, makes it an offence unlawfully to seize an aircraft in flight, and article 2 requires the Contracting States to make the offence punishable by severe penalties. Article 1 of the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, ratified by Act 425/73, defines various offences against civil aviation, and article 3 requires Contracting States to make them punishable by severe penalties.

92. The Penal Code, title III, chapter III, "Offences against the safety of persons in transit", sets penalties for a number of aviation offences, incorporating in domestic law the offences defined in the above-mentioned international conventions. The following articles are relevant:

Article 213: Attacks against civil air and maritime traffic

"1° Anyone who:

1. Applies force or coercion or commits other acts with the intention of influencing the operation or seizing control of a civil aircraft with persons aboard or of a vessel being used for civil navigation; or

2. Uses firearms or attempts to cause or causes an explosion or fire with the intention of destroying or damaging such aircraft or vessel or the cargo on board;

shall be punished by 5 to 15 years' imprisonment.

2° Any person who negligently causes the death of another by committing an act referred to in the preceding paragraph shall be punished by no less than 10 years' imprisonment."

Article 214: Dangerous interference with air, maritime and rail traffic

"1° Anyone who:

1. Destroys, damages, removes, incorrectly handles or renders inoperable installations used for traffic purposes, means of transport or their safety mechanisms;

2. Impedes or interferes with operating personnel in the exercise of their functions;

3. Creates an obstacle;

4. Gives false signs, signals or information; or

5. Blocks the transmission of signals or information;

and thereby endangers the safety of air, maritime or rail traffic shall be punished by up to six years' imprisonment.

2° Anyone who commits the act through negligence shall be punished by up to two years' imprisonment or a fine.

3° If the perpetrator voluntarily remedies the dangerous situation or attempts to do so and no other damage is caused, the court shall reduce the penalty in accordance with article 67 or waive it."

Article 215: Endangering air, maritime and rail traffic

"1° Anyone who, deliberately or negligently, operates an aircraft, vessel or rail transport equipment:

1. When not authorized to operate in traffic;

2. When not in condition to do so safely owing to the ingestion of alcoholic beverages or other mind-altering substances, physical or psychiatric impairment or exhaustion; or

3. Without an operating licence;

shall be punished by up to two years' imprisonment or a fine.

2° The same penalty shall apply to anyone who:

1. As the owner of a means of transport mentioned in paragraph 1°, permits or allows the commission of an act referred to therein;

2. As the operator of a means of transport mentioned in paragraph 1° or as a person responsible for its safety, violates the rules or provisions governing air, maritime or rail traffic safety through serious conduct in breach of his or her responsibility."

93. In view of the foregoing, and in order to adapt to and comply with Security Council resolution 1373 (2001), paragraph 2 (e), it will be necessary to:

(a) Amend the penal legislation to impose more severe penalties for the offences defined;

(b) Place acts of terrorism against aviation among the offences carrying the most severe penalties; and

(c) Review and amend the articles relating to aviation offences in the Aviation Code bill now before the National Parliament.

94. It is relevant here to mention the work being done in the MERCOSUR countries by virtue of the mandate given in the joint communiqué issued by the Presidents of the MERCOSUR member States, together with Bolivia and Chile, on 15 December 1997, which provides that the Ministers of Justice or equivalent Secretaries of State shall strive to accelerate the process of harmonizing the legislation of the MERCOSUR member and associate member countries in all areas relating to the combating of organized crime (terrorism, illicit arms trafficking, drug trafficking, trafficking in chemical precursors, money-laundering and related crimes). In that connection, the Technical Commission has embarked on a broader study, that is, drawing up an extensive list of related crimes.

95. Also of interest is the report on the legislative treatment of the legal concept of "terrorism" in the MERCOSUR member States, together with Bolivia and Chile. The constitutional systems of the MERCOSUR member and associate member States set forth the rights, duties and safeguards of the individual and provide for a democratic form of government. The legal systems of all the States of the region therefore protect those values through provisions that directly or indirectly condemn acts of terrorism. In Argentina, Paraguay and Uruguay, terrorism is not defined as a separate offence, but their respective penal codes or laws take cognizance of conduct that is directly linked to terrorism.

96. Among the measures recently taken by the Government of Paraguay the following should be mentioned:

1. The armed forces have assigned trained personnel to deal with acts of terrorism, one unit in the Presidential Guard Regiment and one unit in the Army's Special Forces;

2. Security has been reinforced at the binational Itaipú hydroelectric facility;

3. The military stands ready to give timely and effective support to the National Police.

X

Paragraph 2 (f): [Decides also that all States shall:] afford one another the greatest measure of assistance in connection with criminal investigations or

criminal proceedings relating to the financing or support of terrorist acts, including assistance in obtaining evidence in their possession necessary for the proceedings;

What legislation, procedures and mechanisms are in place for ensuring asylum seekers have not been involved in terrorist activity before granting refugee status? Please supply examples of any relevant cases.

97. Migration Act 978/96 and the implementing regulations thereto constitute the national legislation governing procedures for an exhaustive review of the documents of applicants for entry. It is legislation without precedent in the country. Paraguayan legislation uses the legal concept of "asylum" rather than that of "refugee".

98. In addition, the 1951 Geneva Convention relating to the Status of Refugees, article 1, paragraph F, also applies, as mentioned above.

XI

Paragraph 2 (g): [Decides also that all States shall] prevent the movement of terrorists or terrorist groups by effective border controls and controls on issuance of identity papers and travel documents, and through measures for preventing counterfeiting, forgery or fraudulent use of identity papers and travel documents;

How do border controls in your country prevent the movement of terrorists? How do your procedures for issuance of identity papers and travel documents support this? What measures exist to prevent their forgery etc.?

99. With regard to the movement of people entering and leaving the country, the National Civil Aeronautics Office carries out the established inspection and monitoring procedures and measures (portals, X-rays, biosensors, manual inspections and comparison of identity documents with boarding passes) at international airports, particularly in the case of passengers leaving the country or in transit, in order to prevent the entry of weapons, explosive devices, corrosive materials and any other substance which poses a potential threat to the safety of persons or of the aircraft.

Article 239 of the Penal Code: Criminal association

With respect to the issuance, registration and inspection of individuals' identity and civil status papers, the Civil Registry Office is implementing a registration management system involving modernization of the civil registry in order to ensure greater security in the management of data and information; consequently, investments in technology have been made and the staff involved in this process have been trained.

The major institutional systems are largely dependent on human resource capacity, since the staff are a fundamental basis for the administration's operations; they are responsible for recording data, maintaining the archives and issuing certificates. The timely carrying out of these functions may provide a means of reducing the under-registration rate.

Provisions of the Penal Code which concern offences relating to this matter include:

Article 174: Falsification of data

"1° Anyone who violates another person's right of access to data by erasing, deleting, invalidating or altering these data shall be punishable by a maximum of two years' imprisonment or a fine.

2° Attempts to commit such an offence shall also be punishable.

3° "Data", within the meaning of paragraph 1° above, shall mean only information which is stored or transmitted electronically, magnetically or in some other form not immediately visible."

Article 250: Direct issuance of official documents containing false information

"1° Any public official authorized to prepare official documents who, in the exercise of his or her functions, falsely certifies an event of legal significance or records such an event in books, registers or archives of official data shall be punishable by a maximum of five years' imprisonment or a fine.

2° Attempts to commit such an offence shall also be punishable.

3° In particularly serious cases, the term of imprisonment may be increased to a maximum of 10 years."

Article 251: Issuance of official documents containing false information

"1° Anyone who causes a false record of statements, acts or events with a bearing on legal rights or matters to be recorded in official documents, books, archives or registers shall be punishable by a maximum of three years' imprisonment or a fine.

2° "False information" shall mean a record of statements, acts or events which were not made, did not occur, occurred in a different manner or were provided by another person than that which is stated or by a person not authorized to do so.

3° If the offence is committed with the intent of obtaining an inheritance benefit for the offender or another person or of causing harm to a third party, the term of imprisonment may be increased to a maximum of five years.

4° Attempts to commit such an offence shall also be punishable."

Article 252: Use of official documents containing false information

"Anyone who makes use of a document or data archive covered by article 250 with intent to mislead shall be punishable as stipulated therein."

Article 253: Destruction of or damage to documents or official hallmarks

"1° Anyone who, with the intent of harming another,

1. Destroys, harms, conceals or otherwise suppresses a document or technical mark in violation of another person's right to use it as evidence; or

2. Erases, deletes, invalidates or alters data, as defined in article 174, paragraph 3, on evidence, in violation of another person's right of access thereto; or

3. Destroys or otherwise deletes markers or other signs intended to indicate water boundaries or levels shall be punishable by a maximum of five years' imprisonment or a fine.

2° Attempts to commit such an offence shall also be punishable."

Article 257: Issuance of a certificate of merit or service containing false information

"Any public official who issues a certificate of another person's merit or service which contains false information shall be punishable by a maximum of two years' imprisonment or a fine."

Article 258: Unwarranted issuance of a certificate of merit or service

"Anyone who, with intent to mislead:

1° Issues a certificate of merit or service using an official title to which he or she is not entitled; or

2° Does so under the name of an official without the latter's authorization, or falsifies a genuine certificate of merit or service, shall be punishable by a maximum of one year's imprisonment or a fine."

100. The Department of Migration carries out inspections of travellers' documents at the primary border crossings and airports; the police provide further assistance as needed. Improved monitoring of travellers' history will require better methods and computer network systems.

Issuance of identity documents

101. The Identification Department has 12 security levels for the issuance of identity documents in accordance with Southern Common Market (MERCOSUR) regulation . Documents are issued initially to Paraguayan citizens upon presentation of an original birth certificate from the Civil Registry Office. Documents issued to citizens of foreign countries fall into one of two categories. For citizens of MERCOSUR countries, Bolivia or Chile, the requirements are: a birth certificate; a clean judicial and/or police record from the country of origin, endorsed by the Paraguayan Consulate in the country of origin and authenticated by the Ministry of Foreign Affairs of Paraguay; an identity card issued by the country of origin; a personal and residency certificate issued by the police precinct of jurisdiction; and a permanent residence permit issued by the Department of Migration.

102. In addition to the above-mentioned documents, citizens of other countries must present a passport from their country of origin containing the relevant visa, the date of entry into the country and proof of registration with the Alien Registration Office of the Criminal Investigation Department (annex 19).

Issuance of travel documents

103. The Department of Identification also issues travel documents (passports) having the level of security required by MERCOSUR and the International Civil Aviation Organization (ICAO) to both nationals and foreigners who have acquired Paraguayan nationality through naturalization and have submitted the original

documents attesting to such status (naturalization card issued by order of the Supreme Court) and a certified clean police record (annex 20).

Security measures to prevent forgery of documents

104. The identity card issued by the Department of Identification contains 12 security features, described below:

First-level features

105. **Rainbow imprint**: This feature appears as a gradual change or blend of colour from one side of the card to the other. The effect is that of a rainbow of antiphotographic colours that provide protection against photographic separation through colour filters.

106. **Medallion**: The medallion pattern is created by a series of parallel lines whose controlled variation deviates from the straight line and produces the dramatic illusion of a three-dimensional pattern. Any attempt to forge the document by detail photography will result in a loss of colour and content.

107. **Pyramid**: These patterns consist of irregular blocks of lines, ranging from thick to thin, which are of variable spacing and direction. The purpose is to confuse the electronic eye of colour scanners and to produce patterns of interference with their machine-generated pattern of coloured dots. Any attempt to copy the document makes these dots blurred and easily visible.

108. **Plaid**: These are patterns of fine lines designed to confuse the reading mechanism of colour photocopiers, which lack the necessary resolution to reproduce them in detail. The pattern of the genuine document gives an impression of hexagonal shapes; in copies, some of the hexagons become clearly visible, creating a distinct pattern.

109. **Hologram**: This is a mechanism involving three sets of images which become visible from different angles of vision; each image also produces characteristic colour changes as the angle varies. Holograms are a feature which is recognized by the general population and is currently effective against the three primary means of forgery: photographic line separation, photocopiers and colour scanners.

Second-level features

110. **Metamerics**: A pattern or text message is printed in two inks of complementary colours, then concealed by a third colour. The hidden text or message is visible through a red filter or under ultraviolet light. This feature provides protection against forgeries produced by photocopiers, colour scanners or conventional cameras and makes it extremely easy to verify a genuine document.

112. **Microtext**: Design features using lines of very small text have been incorporated; frequent variations produce a range of font sizes and styles. This feature is effective against scanners and photocopiers, which cannot focus closely enough to reproduce such text. The microtext is visible under magnification.

113. **Invisible fluorescent imprint**: This involves distinctive printing with a special ink which is invisible under natural light. When the document is viewed under ultraviolet light, the obverse reveals the Seal of Paraguay, a lion with a Phrygian cap

on a pole, while the reverse reveals four passion flowers. This feature cannot be reproduced with scanners, colour photocopiers or photographic processes.

114. **Photograph**: The photograph is digitized and printed at 1200 x 1200 dpi resolution, producing a high-quality image of the bearer's face. The incorporation of this feature has significant advantages in addition to those offered by the traditional use of applied photography and makes it far more difficult to alter or replace the digitized image.

115. **Second image**: A smaller image is printed in colour on the reverse of the document. The image is rotated 90 degrees in order to further hinder the forger's work.

116. **Optical character recognition (OCR-B code)**: Machine-readable features are incorporated into the reverse of the document, which includes the written information required in order to meet international standards. Accurate reproduction of these machine-readable features requires specialized knowledge and equipment which may not be available to forgers.

117. **Two-dimensional (2-D) bar code**: This feature is incorporated into the reverse of the document. It contains an internal record of all the information contained in the document, together with a digitized image of the bearer. Accurate reproduction of this machine-readable feature requires specialized knowledge and equipment which may not be available to forgers.

118. The Office of Passports and Consular Services of the Ministry of Foreign Affairs is expressly authorized to issue and renew diplomatic and official passports under articles 2 and 4 of Decree 9937 of 8 August 2000. In special cases, the Ministry, in consultation with the President of the Republic and in accordance with the needs of the service, may authorize the issuance of diplomatic and official passports to persons not covered by the relevant legislation. Such authorization is granted by official order (Decree 9937/200, arts. 5 and 7).

119. Diplomatic missions and consulates are also authorized to issue and renew consular passports, issue safe conducts and renew ordinary passports. This is done after consultation with the Department of Identification of the National Police (which provides information concerning the applicant's police record) and is subsequently monitored and verified by officials of the Office of Passports and Consular Services.

120. All matters concerning visas for entry into the national territory are governed by Act 978 of 8 November 1996; Decree 3713 of 22 June 1999 (annex 22); Decree 13025 of 3 May 2001 (annex 23); and Ministry of Foreign Affairs guidelines for the implementation thereof.

121. Consular officials are directly responsible for issuing visas. The Office of Passports and Consular Services ensures daily and monthly monitoring of the issuance of entry visas by embassies and consulates in order to prevent the forgery, illegal alteration or fraudulent use of identity and travel documents. In the case of applications involving entry by nationals of States with which the Republic of Paraguay does not maintain diplomatic or consular relations, visas may be granted only upon specific prior authorization by this Office.

122. Article 4 of Decree 13025/2001 (security measures for the entry of foreigners) is also relevant; it specifies that all applications to the Department of Migration for

visa extension or change in category of entry must be preceded by submission of the applicant's passport to the Ministry of Foreign Affairs Passport Office for verification of visa authenticity. If warranted, a statement of visa authenticity shall be issued after this routine inspection. If any anomaly or irregularity in issuance of the visa is detected, the document is retained while an administrative and, if necessary, judicial investigation is carried out.

123. Ministerial decisions prohibit certain consulates from issuing visas.

124. A list of grounds and conditions for calls for tenders is currently being developed for the use of companies bidding on the provision of blank passports, self-adhesive visas and optical readers designed to improve processing. This list will be compiled with the help of a non-reimbursable loan from the Republic of China on Taiwan.

125. A strict austerity policy for dealing with consular officials involved in administrative offences, particularly those involving the issuance of visas for entry into Paraguay, has recently been adopted; such officials are suspended from duty.

XII

Paragraph 3 (a): [Calls upon all States to] find ways of intensifying and accelerating the exchange of operational information, especially regarding actions or movements of terrorist persons or networks; forged or falsified travel documents; traffic in arms, explosives or sensitive materials; use of communications technologies by terrorist groups; and the threat posed by the possession of weapons of mass destruction by terrorist groups

What steps have been taken to intensify and accelerate the exchange of operational information in the areas indicated in this subparagraph?

126. In the civil aviation sector, given the characteristics of the sector and the bilateral agreements on airline services containing clauses on implementation and cooperation in the aviation security area, and the rules contained in annex 17 to the Chicago Convention on International Civil Aviation, the Paraguayan aviation security authorities receive information from their foreign counterparts, both regularly and on an ad hoc basis, on the movements and activities of terrorist groups. This information is circulated immediately among State intelligence services.

127. In the context of the Latin American Civil Aviation Commission, an expert group on international civil aviation security has been set up in order to work out common policy guidelines and directives for the States members of the Commission. Paraguay participates actively as a member of the expert group.

128. The thirty-third session of the Assembly of the International Civil Aviation Organization (ICAO) adopted a resolution calling for the convening as early as possible in the current year of an international high-level ministerial conference to elaborate measures to prevent, combat and eradicate acts of terrorism affecting civil aviation. It also recommended a thorough review of agreements on international aviation security and of annex 17 to the Chicago Convention.

129. As a contracting Party, Paraguay has a duty to take an active part in these initiatives.

130. The following are some of the measures which have been adopted to control trafficking in arms, explosives or sensitive materials, including the threat posed by the possession of weapons of mass destruction by terrorist groups.

1. Broadening of the list of controlled chemicals.

2. Thorough supervision of the sale of weapons to retailers and the public, and inventory monitoring of existing dealers in Pedro Juan Caballero, Ciudad del Este and Encarnación.

3. Monitoring of enterprises using explosives and of importers of chemicals such as ammonium nitrate.

131. Alarmed at the worldwide spread of terrorism, the Governments of the MERCOSUR countries, together with Bolivia and Chile, held a meeting in Montevideo on 17 October 2001, pursuant to a decision made at the meeting of Ministers of the Interior on 28 September 2001. That was the first meeting of the Specialized Working Group on Terrorism, a subsidiary body of the Permanent Working Group. The Specialized Working Group plans, inter alia, to set up an integrated information system on terrorism which will contain available data on persons, activities and organizations which actually or potentially support or carry out terrorist acts.

132. The system would contain all information derived from activities under way at the various operational levels. The data would have to be evaluated before being fed into the system.

133. The data would not be considered as legal evidence, but would be available for information purposes. The information might subsequently be used in a judicial context.

134. As a member of the International Criminal Police Organization (Interpol), Paraguay is constantly exchanging information with other member States regarding various types of offences, including those relating to terrorism. At the domestic level, the Government also exchanges information with the relevant bodies within Paraguay.

135. The Passports and Consular Affairs Office of the Ministry of Foreign Affairs regularly cooperates and exchanges information with the Secretariat for the Prevention and Investigation of Terrorism, a unit of the National Police, the Migration Office and diplomatic missions accredited to the Government.

XIII

Paragraph 3 (b): [Calls upon all States to] exchange information in accordance with international and domestic law and cooperate on administrative and judicial matters to prevent the commission of terrorist acts;

What steps have been taken to exchange information and cooperate in the areas indicated in this subparagraph?

136. Paraguay signed the Final Declaration of the States Participating in the Review Meeting on Cooperation to Prevent and Eliminate International Terrorism, adopted at Buenos Aires (1-2 August 1995).

137. On the initiative of Paraguay, a meeting of Ministers of the Interior of the MERCOSUR countries was held on 28 September 2001 in Montevideo. On that occasion, a declaration was signed repudiating the criminal acts of terrorism which had been committed against the United States of America. A Permanent Working Group was also established within MERCOSUR to consider coordinated action against terrorism by the MERCOSUR countries and activities for possible inclusion in the regional security plan. It is also expected that Chile and Bolivia, as associated countries, will participate in the working group.

XIV

Paragraph 3 (c): [Calls upon all States to] cooperate, particularly through bilateral and multilateral arrangements and agreements, to prevent and suppress terrorist attacks and take action against perpetrators of such acts;

What steps have been taken to cooperate in the areas indicated in this subparagraph?

138. *Conclusions of the report of the Technical Commission of Ministers of Justice of MERCOSUR.*

1. The Constitutions of some of the States Members of MERCOSUR and its associated States contain definitions of terrorism. This is the case for Brazil and Chile, although with different levels of specificity. The remaining States provide for the penalization of terrorism both in the international agreements to which they have acceded and in their domestic criminal law.

2. Of the six countries of the region, only Bolivia and Chile criminalize terrorism separately. Legislative texts in the other countries define offences directly or indirectly linked to terrorism.

3. In the context of the meeting of Ministers of Justice of the MERCOSUR countries, together with Bolivia and Chile, extradition agreements in which terrorism is not considered a political offence were drafted for each of the States involved. Several bilateral agreements among the MERCOSUR members and associated States contain the same provision.

4. Also noteworthy are the Declaration of Lima to Prevent, Combat and Eliminate Terrorism (April 1996) and the Plan of Action adopted within the framework of the Declaration; the main points of those documents include a number of matters covered in the present report. The Technical Commission endorses those recommendations in respect of: criminalization of terrorist acts in domestic legislation; ratification of or accession to international agreements related to terrorism; adoption and implementation of extradition treaties; assistance to the victims of terrorist acts; and assessment of existing international instruments relating to terrorism.

139. Bilateral or multilateral agreements have been entered into with financial intelligence units and support organizations, in order to streamline exchanges of information and provide for the adoption of measures to enhance the investigation and analysis of money-laundering offences.

140. Paraguay is a member of the Egmont Group, a worldwide body comprising all financial intelligence units, which monitors the application of agreements relating to exchanges of information.

141. Paraguay is also a member of the South American Financial Action Group (GAFISUD), a hemispheric organization which evaluates and assesses political management in this area and monitors the implementation of the 40 recommendations of the Financial Action Task Force on Money-Laundering (FATF).

142. The Paraguayan National Police has entered into a cooperation agreement with the Argentine National Gendarmerie. That agreement was approved by the National Congress as Act 959/96. It provides for mechanisms for the exchange of information on matters which may affect the security of the two countries and, in order to facilitate effective compliance with the commitments entered into in the agreement, it calls for the exchange of liaison officers. At the time of writing this has been implemented by Argentina but not by Paraguay.

143. At the regional level, a special tripartite commando unit has been set up in the "tri-border area" where Argentina, Brazil and Paraguay converge, in order to achieve improved security coordination in this area of South America with respect to exchanging information and fighting crime in a collective and organized manner.

144. The National Police has entered into an inter-agency cooperation agreement with the National Police of Colombia, dated 21 November 2001, similar to that with the Argentine National Gendarmerie. The agreement includes a special section on cooperation against terrorism.

145. The Central Bank of Paraguay takes part in the Subcommission on Money-Laundering, a unit of the Financial Affairs Commission of MERCOSUR (Subgroup No. 4). In that context, agreements have been signed among the member States in relation to:

- "Guidelines for minimal regulation for the prevention and suppression of money-laundering in MERCOSUR", to standardize rules among central banks;
- "Cooperation agreement among the central banks of the States members of MERCOSUR", the main purpose of which is to improve cooperation among central banks for the prevention of money-laundering.

146. The following conventions have been ratified within the framework of the United Nations and the Organization of American States:

- Convention on Offences and Certain Other Acts Committed On Board Aircraft;
- Convention for the Suppression of Unlawful Seizure of Aircraft;
- Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation;
- Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents;
- Convention on the Physical Protection of Nuclear Material.

147. The following conventions have also been signed and procedures are in progress to ratify them:

- OAS Convention to Prevent and Punish Acts of Terrorism Taking the Form of Crimes against Persons and Related Extortion that are of International Significance;
- Protocol for the Suppression of Unlawful Acts of Violence at Airports serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation;
- International Convention against the Taking of Hostages;
- Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation;
- Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf;
- Convention on the Marking of Plastic Explosives for the Purpose of Detection;
- International Convention for the Suppression of Terrorist Bombings;
- International Convention for the Suppression of the Financing of Terrorism.

XV

Paragraph 3 (d): [Calls upon all States to] become parties as soon as possible to the relevant international conventions and protocols relating to terrorism, including the International Convention for the Suppression of the Financing of Terrorism of 9 December 1999

What are your Government's intentions regarding signing and/or ratifying the conventions and protocols referred to in this subparagraph?

148. The Government of Paraguay is taking steps to accede to all the OAS and United Nations agreements on the subject of terrorism, aware of the importance of being a party to these instruments for worldwide security.

XVI

Paragraph 3 (e): [Calls upon all States to] increase cooperation and fully implement the relevant international conventions and protocols relating to terrorism and Security Council resolutions 1269 (1999) and 1368 (2001);

Provide any relevant information on the implementation of the conventions, protocols and resolutions referred to in this subparagraph.

149. In Paraguay, SEPRELAD has undertaken to increase cooperation and fully implement the relevant international conventions and protocols and Security Council resolutions 1269 (1999) and 1368 (2001).

150. Under the Declaration of Lima to Prevent, Combat and Eliminate Terrorism, adopted in Lima on 29 February 1996 at the sixth plenary session of the Preparatory Meeting for the Inter-American Specialized Conference on Terrorism, and under other anti-terrorism agreements ratified by our country, as well as the provisions adopted by our Government through the institutions directly concerned, such as the Ministry of the Interior, the National Anti-Drug Secretariat (SENAD), as indicated

in the answer in relation to paragraph 1 (a), is required, should it obtain credible information on terrorist movements, to take such measures as may be necessary and to inform the relevant agencies without delay.

151. The armed forces focus their efforts on information-gathering and on training, equipping and organizing anti-terrorist elements, and are responsible for weapons control through the Department of Military Supplies (DIMABEL).

152. The following instruments may be noted in this regard:

- Declaration of Lima to Prevent, Combat and Eliminate Terrorism, adopted in Lima on 29 February 1996 at the sixth plenary session of the Preparatory Meeting for the Inter-American Specialized Conference on Terrorism;
- Agreement 03/97, signed in Punta del Este on 21 November 1997 at the second meeting of Ministers of the Interior of MERCOSUR, Bolivia and Chile;
- Agreement 4/98 and Agreement 5/98, signed in Buenos Aires on 14 July 1998 at the Extraordinary Meeting of Ministers of the Interior of MERCOSUR, Bolivia and Chile;
- Plan on Cooperation and Mutual Assistance for Regional Security, signed in Buenos Aires on 14 July 1998;
- Act. 1015/96, referred to above.

153. On 11 June 2001, an agreement was signed on cooperation between the Ministry of Foreign Affairs and the Supreme Court of Justice to provide for collaboration in the processing of rogatory commissions and other requests for judicial assistance submitted by foreign Governments so that such requests may be duly addressed within the time-frames established by the procedural rules in force.

154. The documents signed among the member countries of the Commission for Financial Affairs (subgroup No. 4) of MERCOSUR are listed in paragraph 152 above. In this connection, the following were the essential points addressed in what would become the Agreement on Cooperation among the Central Banks of the States Members of MERCOSUR:

- Definition of the information to be exchanged under the Agreement;
- List of the safeguards provided for in each country's legislation;
- Discussion of how the Agreement would function, identifying the authorities competent to initiate formal contacts among the central banks;
- Presentation of the procedures implemented and the activities carried out by each country's central bank to prevent and suppress money-laundering.

155. In addition, the following are the points addressed in what would become the Model Minimum Regulations for the Prevention and Suppression of Money-Laundering within MERCOSUR:

- Verification of member countries' compliance with the model minimum regulations;
- Summary of regulations and laws on the prevention of money-laundering, with the possibility of posting them on the Internet.

XVII

Paragraph 3 (f): [Calls upon all States to] take appropriate measures in conformity with the relevant provisions of national and international law, including international standards of human rights, before granting refugee status, for the purpose of ensuring that the asylum-seeker has not planned, facilitated or participated in the commission of terrorist acts;

What legislation, procedures and mechanisms are in place for ensuring asylum seekers have not been involved in terrorist activity before granting refugee status? Please supply examples of any relevant cases.

156. The Constitution of the Republic of Paraguay contains the following article:

Article 43: Right of asylum

Paraguay recognizes the right to territorial and diplomatic asylum in respect of any person who is persecuted for political reasons or political offences or for ordinary offences connected therewith, or for his or her opinions or beliefs. The authorities shall issue the relevant personal and safe-conduct documents without delay.

No one who has been granted political asylum shall be forced to go to the country whose authorities are persecuting him or her.

Treaty on Political Asylum and Refuge

This treaty was signed on 4 August 1939 at the South American Congress on Private International Law, held in Montevideo, Uruguay. It was adopted and ratified in our country by Act 266 of 19 July 1955.

Convention on Diplomatic Asylum and Convention on Territorial Asylum

These Conventions were concluded in Caracas, Venezuela, on 28 March 1954 at the Tenth Inter-American Conference. They were adopted and ratified in our country by Act 393 of 7 September 1956.

It may also be recalled that the Plan of Action signed by the heads of State and Government participating in the second Summit of the Americas contains the following section:

> **"Prevention and Control of Illicit Consumption of and Traffic in Drugs and Psychotropic Substances and other Related Crimes**
>
> **Governments will**:
>
> - Continue to develop their national and multilateral efforts in order to achieve full application of the Hemispheric Anti-Drug Strategy, and will strengthen this alliance based on the principles of respect for the sovereignty and territorial jurisdiction of the States, reciprocity, shared responsibility and an integrated, balanced approach in conformity with their domestic laws.
> - With the intention of strengthening mutual confidence, dialogue and hemispheric cooperation and on the basis of the aforementioned principles, develop, within the framework of the Inter-American Drug Abuse Control Commission (CICAD-OAS), a singular and objective process of multilateral

governmental evaluation in order to monitor the progress of their individual and collective efforts in the Hemisphere and of all the countries participating in the Summit, in dealing with the diverse manifestations of the problem.

- Strengthen national efforts and international cooperation in order to:

  - Enhance their national policies and plans with regard to the prevention of illicit drug consumption, and step up measures, particularly at the community level, in schools and those aimed at the most vulnerable groups, such as children and young people, in order to prevent the growth and spread of this consumption and to eliminate financial incentives to illicit trafficking;

  - Develop appropriate treatment, rehabilitation and reintegration programmes with a view to alleviating the serious social effects, human suffering and other adverse effects associated with drug abuse;

  - Increase cooperation in areas such as the collection and analysis of data, standardization of systems that measure illicit consumption, scientific and technical training and exchange of experiences;

  - Develop or encourage the development of campaigns to foster greater social awareness of the dangers of drug abuse for individuals, the family and society as well as community participation plans;

  - Sensitize public opinion as to the serious effects of drug abuse and the activities of criminal organizations that deal with them, including at the wholesale and retail level;

  - Improve and update cooperative mechanisms to prosecute and extradite individuals charged with the traffic in narcotics and psychotropic substances and other related crimes, in accordance with international agreements, constitutional requirements, and national laws;

  - Establish or strengthen existing, duly trained and equipped specialized central units responsible for requesting, analysing and exchanging among the competent State authorities information relating to the laundering of the proceeds, assets and instrumentalities used in criminal activities (also known as money-laundering);

  - Reinforce international and national control mechanisms to impede the illicit traffic and diversion of chemical precursors;

  - Promote the rapid ratification and entry into force of the Inter-American Convention Against the Illicit Production and Trafficking of Firearms; promote the approval and prompt application of the Model Regulations on the Control of Arms and Explosives Connected with Drug Trafficking of CICAD; encourage States, that have not already done so, to adopt the necessary legislative or other measures to ensure effective international cooperation to prevent and combat illicit transnational traffic in firearms and ammunition, while establishing, or strengthening, systems to enhance the tracing of firearms used in criminal activity; and

  - Eliminate illicit crops through the increased support of national alternative development programmes as well as eradication and interdiction.

- Strengthen national drug control commissions, with a view to improving coordination in each country in the planning and implementation of their respective national plans and in streamlining international assistance in this area.

- Underscore the valuable contribution of civil society, through its different organizations, in the areas of prevention of illicit consumption, treatment, rehabilitation, and social reintegration of drug addicts.

- Encourage financial institutions to redouble their efforts to prevent money-laundering and the appropriate business sector to strengthen its controls to prevent the diversion of chemical precursors.

- Give full support to the upcoming special session of the United Nations General Assembly which will be held in June 1998 for the purpose of promoting international cooperation with respect to illicit drugs and related crimes and encourage all States to participate actively, at the highest level, in that international meeting. They will make every effort to ensure effective implementation of international narcotics agreements to which they have subscribed, at regional and subregional levels, and for these to operate in consonance with the hemispheric effort and reaffirm their support for CICAD and its fundamental role in the implementation of these agreements.

Terrorism

Governments will:

- Take measures, as agreed in the Declaration and Plan of Action of Lima, in order to prevent, combat and eliminate terrorism, applying for that purpose the most decisive will to comply with the general objectives set forth therein.

- Encourage States that have not yet done so to sign, ratify, or accede to, as appropriate, the international conventions related to terrorism, in accordance with their respective internal legislation.

- Convene, under the auspices of the Organization of American States (OAS), the Second Specialized Inter-American Conference to evaluate the progress attained and to define future courses of action for the prevention, combat and elimination of terrorism."

Under our legal system, only the executive branch is empowered to grant and revoke political asylum.

157. The 1933 Montevideo Convention on Political Asylum, to which our country is a party, establishes in its article 1 that it is not lawful for States to grant asylum to those accused of common offences who may have been duly prosecuted or who may have been sentenced by ordinary courts.

158. The 1939 Montevideo Treaty on Political Asylum and Refuge, which governs requests for extradition (and which is in force for our country and for a number of Latin American countries), provides in its article 3 that persons accused of political offences may not be handed over to another country except by means of the extradition procedure.

XVIII

Paragraph 3 (g): [Calls upon all States to]: ensure, in conformity with international law, that refugee status is not abused by the perpetrators, organizers or facilitators of terrorist acts, and that claims of political motivation are not recognized as grounds for refusing requests for the extradition of alleged terrorists (resolution 1373 (2001)).

What procedures are in place to prevent the abuse of refugee status by terrorists? Please provide details of legislation and/or administrative procedures which prevent claims of political motivation being recognized as grounds for refusing requests for the extradition of alleged terrorists. Please supply examples of any relevant cases.

159. With regard to refugees, article 2 of the above-mentioned Convention provides that: "Every refugee has duties to the country in which he finds himself, which require in particular that he conform to its laws and regulations as well as to measures taken for the maintenance of public order". This implies that refugees may be prosecuted and punished for committing violations against the public order or the Paraguayan penal norms.

160. They may also be expelled on grounds of national security or public order, in accordance with the provisions of article 32 of the Convention.

161. Recognition of refugee status is subject to a verification procedure carried out by the Government, with the participation of a UNHCR representative. Although Parliament is considering a draft Act establishing a Refugee Eligibility Committee, there is not as yet any law or decree to that effect; however, the Ministry of Foreign Affairs would be one of the authorities responsible for handling applications.

162. The draft Act being considered by Congress, which would establish regulations based on the 1951 Convention relating to the Status of Refugees, provides (chap. 4, art. 7) that the status of refugee shall not be granted to any person about whom there are reasonable grounds for believing that he has committed a crime against peace, a war crime or a crime against humanity, from among those defined in the relevant international instruments, and that such status shall not be granted to anyone who has committed a serious common crime or is guilty of acts contrary to the purposes and principles of the United Nations.

XIX

Guideline 3.3. States may include in their reports additional relevant information, including information on the issues covered by paragraph 4 of resolution 1373 (2001). They may also include general observations on the implementation of the resolution, and outline any problems encountered.

163. The Republic of Paraguay, as a State party to MERCOSUR, has signed numerous agreements in this area, reflecting its desire to wage a global war against this scourge. They include:

- Agreement between the Argentine Republic and the Republic of Paraguay for Cooperation between the Argentine Police and the National Police
- San Luís Protocol on Mutual Legal Assistance in Penal Matters

- Agreement on Extradition between the States Parties to MERCOSUR
- Agreement on Extradition between the States Parties to MERCOSUR, Bolivia and Chile
- Regional Plan on Civilian Security between the States Parties of MERCOSUR, Bolivia and Chile

164. The Superintendence of Banks is in the process of establishing a unit to analyse the prevention of money- or property-laundering, whose main role would be to centralize, at the institutional level, all aspects of the reporting process and requests for reports on money laundering. This unit would be incorporated in the staffing table of the Superintendence of Banks as a division accountable to the Special Oversight Department, since the Government recognizes the importance of its mandate and the non-negligible amount of information it receives and will receive when the Code of Conduct for the Prevention and Identification of Money-Laundering and Other Financial Crimes and Offences goes into effect, making it obligatory to inform the Unit, within a four-month period, of any financial operation that seems unusual.

165. In this paragraph, it should be noted that a preliminary draft anti-terrorist Act was recently elaborated, which is being considered in various commissions in the Chamber of Deputies. Some of its main articles are:

Article 2: International terrorism means the execution, preparation, financing, protection or concealment, inter alia, of a violent act that constitutes a danger to human life, described as a punishable act in the Penal Code and the special penal laws, which is committed in Paraguayan territory, and whose consequences transcend national borders; or which occurs primarily outside Paraguayan territory and is linked to organizations, groups or persons residing in the country with the aim of:

(a) intimidating, terrorizing or coercing the civil population;

(b) inciting opposition to government policy through intimidation, terror or coercion;

(c) attacking a nation's people, property or patrimony.

Article 4: International terrorism shall also mean those acts capable of creating a substantial risk that punishable acts will be committed against the physical integrity of persons or against any architectural structure, mode of transport or locomotion, or against the assets of persons and institutions within the Republic of Paraguay, perpetrated with the same objectives as those set out in article 2 of this Act.

Article 5: The following shall also be considered acts of international terrorism:

Homicide, abduction, mutilation, disfiguration of or damage to the physical or psychological health of the human person; assassination of and/or attacks against foreign officials, State guests or persons under international protection or any other foreign resident or foreign person in transit through the national territory; and murder and/or abduction of authorities in the three branches of Government.

Similarly, the destruction of aircraft or airport, river or overland transport facilities; damage to the public and private patrimony, or arson for that purpose; the manufacture, sale, use or attempted use of biological and/or nuclear materials or weapons; the sale, distribution, possession, concealment, use or attempted use of explosives; air piracy or the use of cyberspace to plan, recruit for or execute an act of international terrorism; and all those acts carried out with the objectives set out in articles 2 and 4 of this Act.

Article 6: Agreement or arrangements with two or more persons for the purpose of committing the punishable act of attacking, terrorizing, intimidating or coercing, as set out in article 1 (a) and (b) of this Act, shall be considered conspiracy to perpetrate international terrorism, punishable by imprisonment.

Article 7: Perpetrators of acts of international terrorism shall be subject to imprisonment of 10 to 25 years.

Instigators shall be sentenced to 10 to 25 years' imprisonment.

Accomplices shall be sentenced to 10 to 20 years' imprisonment.

Attempted terrorism shall be subject to the same penalty as prescribed for the perpetrator, which may be reduced under article 67 of the Penal Code.

Conspiracy to perpetrate international terrorism shall be punishable by 5 to 10 years' imprisonment.

Article 8: Anyone who, within the territory of the Republic of Paraguay, provides resources or material in support of terrorism, or hides or conceals the nature, location, source or ownership of such resources or material, in the knowledge that they will be used in the preparation or execution of one of the punishable acts characterized under this Act, shall be regarded as an accomplice and sentenced to 10 to 20 years' imprisonment.

Article 9: "Resources or material in support of terrorism" shall mean, inter alia, assistance, security or financial services; training and management; production or provision of false documentation or identity papers; communications technology, weapons, lethal and/or explosive substances; personnel, transport, housing and in general, any other form of cooperation, assistance or economic or other intervention or the equivalent thereof.

Article 10: Whenever a competent judge finds that there is sufficient circumstantial evidence to presume that a country, organization, group or person is supporting international terrorism, he may order the confiscation, seizure, attachment or freezing of any financial transaction or account linked to such acts in the national territory.

Article 12: In acts of international terrorism, any property, goods or instruments related to the punishable act shall be confiscated and auctioned off by court order.

Article 13: The proceeds of assets which have been auctioned off and fines imposed by court order shall be deposited in special accounts in the Central Bank of Paraguay in the name of the judiciary, the Secretariat for the Prevention and Investigation of Terrorism and the Public Prosecutor, in equal shares.

The competent judge may order, through the appropriate diplomatic channel or the principle of reciprocity, the seizure, preventive attachment or confiscation of property, goods, or instruments situated abroad which may be linked to a crime of international terrorism committed in this country, in accordance with the provisions of the relevant international treaties.

C. Conclusion

The Government of Paraguay, as is evident from this report, has joined the universal condemnation of this serious punishable act by implementing, without delay, Security Council resolution 1373 (2001), which establishes the scope of international action against terrorism.

Paraguay also believes in the vital importance of education and of building public awareness of this issue through specific actions, such as seminars, conferences and a strong policy promoting a global transformation towards peace and opposing attacks of any kind.

Paraguay believes that the struggle against terrorism should take a global approach, given its horrific consequences, which affect the entire world. In this regard, it should be noted that all international instruments on terrorism to which the Republic of Paraguay is not yet a party are in the process of ratification or accession in the legislature and that many of them have already been partially approved.

The Government of Paraguay reaffirms its strong determination to combat terrorism in all its forms and manifestations within the framework of its Constitution and international law.

It is thus prepared to contribute to any initiative by the organs of the United Nations system, in particular the Security Council and the General Assembly, or other international, regional or global organizations, to significantly increase preventive measures or decisions that would lead to the effective eradication of terrorism.

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D. ABREVIATURAS

ACNUR: Alto Comisionado de las Naciones Unidas para los Refugiados
AVSEC: Aviation Security
BCP: Banco Central del Paraguay
CICAD: Convención Interamericana contra el Abuso de Drogas
CONASAC: Comisión Nacional de Aviación Civil
CP: Código Penal
DIMABEL: Dirección de Material Bélico
DINAC: Dirección Nacional de Aeronáutica Civil
FFAA: Fuerzas Armadas de la Nación
INTERPOL: Organización Internacional de Policía Criminal
MDN: Ministerio de Defensa Nacional
MERCOSUR: Mercado Común del Sur
MRE: Ministerio de Relaciones Exteriores
OACI: Organización de la Aviación Civil Internacional
OEA: Organización de los Estados Americanos
ONU: Organización de las Naciones Unidas
SGT: Sub Grupo de Trabajo
SIB: Superintendencia de Bancos
SENAD: Secretaría Nacional Antidroga
SEPRELAD: Secretaría de Prevención del Lavado de Dinero o Bienes
SIN: Secretaría Nacional de Información

E. ANEXOS*

1. Ley N° 1015/97 "Que previene y Reprime los Actos Ilícitos Destinados a la Legitimación de Dinero o Bienes"
2. Resolución N° 2/97 del Directorio del BCP "Que establece los procedimientos para prevenir e impedir la utilización del sistema financiero y de otros sectores de la actividad económica en la realización de actos destinados a la legitimación de dinero o bienes que procedan de actividades delictivas"
3. Resolución N° 245/97 por la que se reglamenta la Res. N° 2/97.
4. Ley N° 108/91 "Que crea la Secretaría Nacional Antidroga"
5. Resolución N° 5/97 de la Comandancia de la Policía Nacional "Que crea el Departamento de Delitos Económicos y Financieros"
6. Resolución N° 1/98 de la Comandancia de la Policía Nacional "Que crea el Departamento de Prevención e Investigación del Terrorismo". Posteriormente, en virtud del Decreto N° 2960/98 pasó a denominarse Secretaría de Prevención e Investigación del Terrorismo.
7. Ley N° 1160/97 "Código Penal"
8. Ley 1340/88 "Que Reprime el Tráfico de Estupefacientes y Drogas Peligrosas"
9. Ley 71/53 Sobre Delitos de Contrabando
10. Decreto N° 23479/76
11. Decreto N° 23459/76 "Por el cual la DIMABEL está encargada del Control y Registro de Armas"
12. Decreto N° 13793/01 "Por el que se crea el Grupo de Trabajo Interinstitucional sobre Armas de Fuego, Municiones y Explosivos"
13. Decreto N° 15147/01 "Por el que se establece el Programa Nacional de Seguridad de la Aviación"
14. Ley N° 1057/96 "Que aprueba el Acuerdo para Facilitar el Control del Comercio Ilícito de Armas entre la República del Paraguay y la República Federativa del Brasil"
15. Decreto N° 119/01 "Que crea mecanismos de control de los nacionales o personas brasileñas, extranjeros residentes en Brasil o personas jurídicas brasileñas que adquieran armas y municiones en la República del Paraguay"
16. Decreto N° 15125/01 "Que integra la Comisión Interinstitucional a cargo de dar seguimiento a la Implementación de la Resolución 1373 (2001) del Consejo de Seguridad de la ONU
17. Ley N° 978/96 de Migraciones
18. Ley N° 469/57 "Código Aeronáutico"
19. Documento de Identidad
20. Documento de Viaje
21. Decreto N° 9937/00
22. Decreto N° 3713/99
23. Decreto N° 13025/01

* Los anexos del presente documento pueden consultarse en la Secretaría.